



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,448	11/05/2003	Zsolr Toth	1011.42224X00	6374

20457 7590 07/01/2005

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

GOODMAN, CHARLES

ART UNIT PAPER NUMBER

3724

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,448

Applicant(s)

TOTH, ZSOLR

Examiner

Charles Goodman

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/5/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Amendment filed on April 5, 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 8-32 and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinlan (US 4,020,724) in view of Simpson et al (US 5,429,577) and Koelsch (US 5,875,699).

Quinlan discloses the invention substantially as claimed as noted in the last Office Action. Currently, Applicant sets forth two main arguments as to what Quinlan allegedly lacks - (1) stock sheet of corrugated material and (2) an implied "interlock".

With respect to (1), Quinlan's teachings encompasses cutting of stock sheet of corrugated material due to the fact that Quinlan's teachings are not limited to the already cut blanks that are shown in Quinlan. Note for example c. 9, ll. 62-65 wherein Quinlan teaches that the invention is "not limited in their application to a flap-cutting or corner-cutting operation, but may be generally employed *to cut **any** planar object*" (emphasis added). Moreover, the claimed limitation on the one hand for the apparatus claims is not given significant patentable weight, since it has been held that expressions relating the apparatus to contents thereof during an intended operation are of no

Art Unit: 3724

significance in determining patentability of the apparatus claim, *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App. 1969), the inclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims, *In re Young*, 75 F.2d 966, 25 USPQ 69 (CCPA 1935), and the material or article worked on by an apparatus does not distinguish the apparatus from prior art which works on a different material or article if the apparatus otherwise is met by the reference, *In re Casey*, 152 USPQ 235 (CCPA 1967). On the other hand, Quinlan's "blanks" still reads on the claimed "stock sheet of corrugated material" due to the fact that the recitation does not set forth a sheet that has not been previously worked in some manner, i.e. a planar rectangular sheet as Applicant appears to imply. Note also that the die components of Quinlan are adapted to cut/score a myriad of different patterns. However, assuming *arguendo* that Quinlan "may" not teach cutting of "stock corrugated material", Simpson et al clearly teaches that it is old and well known in the art to provide rotary cutting dies with the ability to cut "stock corrugated material" (11), i.e. material sheet that is rectangular without any other work thereon, and form the same into a carton to thereby eliminate additional steps or means by forming the carton in one operation. See whole patent. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the invention of Quinlan with the ability to cut "stock corrugated material" as taught and suggested by Simpson et al in order to facilitate efficient formation of cartons by reducing the number of steps or means for the same.

With respect to (2), Quinlan, alone or modified, discloses the invention substantially as claimed except that it appears Quinlan lacks the die components being interlocked with each other. In that regard, Koelsch teaches a cutting die mounting

Art Unit: 3724

system in which the die components (30A, 30B) are interlocked with each other via interlocks (90) to thereby insure proper engagement with respect to each other. Figs. 1-2, c. 6, ll. 6-65. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the invention of Quinlan, alone or modified, the interlock as taught and suggested by Koelsch in order to facilitate proper engagement between the die components.

Response to Arguments

4. Applicant's arguments with respect to claims 1-6, 8-32 and 34-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Barben et al and Fuchs are cited as additional pertinent art.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

Art Unit: 3724


advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

cg
June 25, 2005


Charles Goodman
Primary Examiner
AU 3724

CHARLES GOODMAN
PRIMARY EXAMINER